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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9                   JOHNNY DELUIS-MORELO,

10                  Petitioner,

Case No. C15-1189-JLR-BAT

11                  v.

12                  ICE FIELD OFFICE DIRECTOR,  
13                  Respondent

**REPORT AND  
RECOMMENDATION**

14                  Johnny DeLuis-Morelo is proceeding *pro se* in this habeas action pursuant to 28 U.S.C. §  
15                  2241. By letter dated July 28, 2015, Mr. DeLuis-Morelo was granted 30 days to either pay the  
16                  \$5.00 filing fee or submit a completed application to proceed *in forma pauperis* (“IFP”). Dkt. 4.  
17                  Mr. DeLuis-Morelo was advised that failure to respond to the order by August 27, 2015, could  
18                  result in dismissal of the case. *Id.* To date, Mr. DeLuis-Morelo has neither paid the filing fee  
19                  nor submitted a completed application for IFP status.<sup>1</sup> Accordingly, the Court recommends that  
20                  this action be **DISMISSED** without prejudice for failure to pay the filing fee pursuant to 28  
U.S.C. § 1914. A proposed order accompanies this Report and Recommendation.

21                  This Report and Recommendation is not an appealable order. Therefore a notice of  
22                  appeal seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the

23                  <sup>1</sup> Mr. DeLuis-Morelo has a second habeas petition pending, as well. See *DeLuis-Morelo v. ICE Field Office Director*, No. 15-1097-RAJ-BAT.

1 assigned District Judge enters a judgment in the case. Objections, however, may be filed and  
2 served upon all parties no later than **September 21, 2015**. The Clerk should note the matter for  
3 **September 22, 2015**, as ready for the District Judge's consideration if no objection is filed. If  
4 objections are filed, any response is due within 14 days after being served with the objections. A  
5 party filing an objection must note the matter for the Court's consideration 14 days from the date  
6 the objection is filed and served. The matter will then be ready for the Court's consideration on  
7 the date the response is due. Objections and responses shall not exceed five pages. The failure  
8 to timely object may affect the right to appeal.

9 DATED this 31th day of August, 2015.

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12 BRIAN A. TSUCHIDA  
13 United States Magistrate Judge  
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